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*Attorneys for Empery Tax Efficient, LP as
Agent and Collateral Agent for certain
Secured Noteholders*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:	Case No.: 22-14422-NMC
MUSCLEPHARM CORPORATION,	Chapter 11
Debtor.	Date: January 5, 2023 Time: 9:30 a.m.

**NOTICE OF CONSENT TO REQUESTED ORDER SHORTENING TIME
ON DEBTOR-IN-POSSESSION FINANCING MOTION**

Empery Tax Efficient, LP, in its capacity as collateral agent (in such capacity, the “Collateral Agent”) of the secured noteholders with respect to the Original Issue Discount Senior Secured Notes dated as of October 13, 2021 (as amended, restated, supplemented or otherwise modified from time to time, the “October Notes”) and Original Issue Discount Senior Secured Notes dated as of June 10, 2022 (as amended, restated, supplemented or otherwise modified from time to time, the “June Notes” and, together with the October Notes, the “Notes”) in each case issued by MusclePharm Corporation, a Nevada corporation (the “Debtor”), by and through its counsel, Garman Turner Gordon LLP, filed this notice (“Notice”) of its consent to the order shortening time (“OST”) requested by Debtor in the *Ex Parte Application for Order Shortening Time to Hear Debtor’s Emergency Motion for Entry of Interim and Final Orders: (i) Authorizing Debtor to Obtain Post-Petition Financing, (ii) Granting Priming Liens and Administrative Expense Claims, (iii)*

1 *Authorizing the Debtor's Use of Cash Collateral, (iv) Modifying the Automatic Stay, and (v)*
2 *Granting Related Relief* [ECF No. 35].

3 The Collateral Agent consented to the requested OST [see **Exhibit 1** hereto]. However, the
4 *Attorney Information Sheet for Proposed Order Shortening Time* [ECF No. 36] states that the
5 Collateral Agent does not consent to the OST request. This Notice is filed to clarify that the
6 Collateral Agent consents to the requested OST.

7 DATED this 3rd day of January, 2023.

8 GARMAN TURNER GORDON LLP

9
10 /s/ Mark M. Weisenmiller

11 WILLIAM M. NOALL, ESQ.

12 GREGORY E. GARMAN, ESQ.

13 MARK M. WEISENMILLER, ESQ.

14 7251 Amigo Street, Suite 210

15 Las Vegas, Nevada 89119

16 *Attorneys for Empery Tax Efficient, LP as*
17 *Agent and Collateral Agent for certain*
18 *Secured Noteholders*
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EXHIBIT 1

EXHIBIT 1

From: [Mark Weisenmiller](#)
To: [Samuel A. Schwartz](#)
Cc: [William Noall](#)
Subject: RE: [EXTERNAL] RE: OST - DIP Financing - MSLP - Interim Approval
Date: Tuesday, January 3, 2023 9:21:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Sam,

I've reviewed the motion now that it is filed. My client consents to the requested OST.

Mark

Mark M. Weisenmiller

Attorney

P 725 777 3000 | F 725 777 3112

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LAS VEGAS, NV 89119

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From: Samuel A. Schwartz <saschwartz@nvfirm.com>
Sent: Tuesday, January 3, 2023 9:17 AM
To: Mark Weisenmiller <mweisenmiller@Gtg.legal>
Cc: William Noall <wnoall@Gtg.legal>
Subject: Re: [EXTERNAL] RE: OST - DIP Financing - MSLP - Interim Approval

Thanks Mark - we will put you down as a no.

Samuel A. Schwartz, Esq.

Schwartz Law, PLLC
601 East Bridger Avenue
Las Vegas, NV 89101
[702.802.2207](tel:702.802.2207) tel
SASchwartz@nvfirm.com

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On Jan 3, 2023, at 9:10 AM, Mark Weisenmiller <mweisenmiller@gtg.legal> wrote:

Sam,

You have requested Empery's consent to an order shortening time to have your motion heard on less than two days' notice but declined to share with Empery the agreed to DIP term sheet or file your motion. Empery will respond to your requested OST after it receives and reviews the DIP term sheet and motion to ensure it has adequate time to respond to the motion.

Mark

Mark M. Weisenmiller

Attorney

P 725 777 3000 | F 725 777 3112

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[website](#) | [vCard](#) | [map](#) | [email](#)

[<image001.png>](#)

[<image002.png>](#)

[<image003.png>](#)

From: Samuel A. Schwartz <saschwartz@nvfirm.com>

Sent: Tuesday, January 3, 2023 8:53 AM

To: Day, Jared A. (USTP) <Jared.A.Day@usdoj.gov>; Mark Weisenmiller <mweisenmiller@Gtg.legal>; William Noall <wnoall@Gtg.legal>; Candace Carlyon <ccarlyon@carlyoncica.com>; Dawn Cica <dcica@carlyoncica.com>; McDonald Jr, Edward M. (USTP) <Edward.M.McDonald@usdoj.gov>; Jeffrey Sternklar <jeffrey@sternklarlaw.com>; James Shea <jshea@shea.law>

Cc: Bryan Lindsey <BLindsey@nvfirm.com>; Athanasios Agelakopoulos <aagelakopoulos@nvfirm.com>; Brian Braud <bbraud@nvfirm.com>; Susan Roman

<sroman@nvfirm.com>; Vincent J. Roldan <vroldan@mblawfirm.com>

Subject: Re: [EXTERNAL] RE: OST - DIP Financing - MSLP - Interim Approval

Mr. Day, good morning. No objection if your objection is lodged at the hearing. I also copied counsel for Prestige here – Mr. Roldan – to ask for his consent to an OST for financing.

Samuel A. Schwartz, Esq.

Schwartz Law, PLLC

601 East Bridger Avenue

Las Vegas, NV 89101

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From: "Day, Jared A. (USTP)" <Jared.A.Day@usdoj.gov>

Date: Tuesday, January 3, 2023 at 8:50 AM

To: "Samuel A. Schwartz" <saschwartz@nvfirm.com>, Mark Weisenmiller <mweisenmiller@gtg.legal>, William Noall <wnoall@gtg.legal>, Candace Carlyon <ccarlyon@carlyoncica.com>, Dawn Cica <dcica@carlyoncica.com>, "McDonald Jr, Edward M. (USTP)" <Edward.M.McDonald@usdoj.gov>, Jeffrey Sternklar <jeffrey@sternklarlaw.com>, James Shea <jshea@shea.law>

Cc: Bryan Lindsey <BLindsey@nvfirm.com>, Athanasios Agelakopoulos <aagelakopoulos@nvfirm.com>, Brian Braud <bbraud@nvfirm.com>, Susan Roman <sroman@nvfirm.com>

Subject: [EXTERNAL] RE: OST - DIP Financing - MSLP - Interim Approval

Mr. Schwartz,

I presume that the proposed order you upload with the court will indicate that any oppositions may be made during the hearing?

Jared A. Day

Trial Attorney

U.S. Department of Justice

Office of the U.S. Trustee, Region 17

300 Booth Street, Suite 3009

Reno, NV 89509
Phone: (775) 784-5335

From: Samuel A. Schwartz <saschwartz@nvfirm.com>

Sent: Monday, January 2, 2023 11:32 PM

To: Mark Weisenmiller <mweisenmiller@gtg.legal>; William Noall <wnoall@gtg.legal>; Candace Carlyon <ccarlyon@carlyoncica.com>; Dawn Cica <dcica@carlyoncica.com>; Day, Jared A. (USTP) <Jared.A.Day@usdoj.gov>; McDonald Jr, Edward M. (USTP) <Edward.M.McDonald@usdoj.gov>; Jeffrey Sternklar <jeffrey@sternklarlaw.com>; James Shea <jshea@shea.law>

Cc: Bryan Lindsey <BLindsey@nvfirm.com>; Athanasios Agelakopoulos <aagelakopoulos@nvfirm.com>; Brian Braud <bbraud@nvfirm.com>; Susan Roman <sroman@nvfirm.com>

Subject: [EXTERNAL] OST - DIP Financing - MSLP - Interim Approval

Good evening. We intend to seek debtor-in-possession financing in the MusclePharm Corporation bankruptcy case tomorrow. The Debtor has an immediate need to fund payroll on Thursday, and we would like the motion heard on January 5, at 9:30 a.m., which is the time the Court has set for the other first day motions filed in the case. Please do let us know if you consent to shortened time for interim approval of financing.

Samuel A. Schwartz, Esq.

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